

REMARKS

The withdrawal of the rejection of claims 1 and 4 under 35 U.S.C. §102(a) as being anticipated by European Patent Application EP 1 054 333 A2 by Carpenter in light of the declaration under 37 C.F.R. §1.131 swearing behind the effective date of the Carpenter reference is noted with appreciation.

Claims 1, 3, 4, and 6 to 11 are currently pending in the application. Claim 3 stands withdrawn from consideration as being directed to a non-elected species. However, claim 3 is amended by this amendment in light of the current rejections.

Claims 1, 4 and 6 to 11 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In response, independent claims 1 and 4 have been amended in light of the Examiner's specific criticisms of claim 1. Specifically, claim 1 has been amended to replace the step of "allowing a vendor to form a coalition . . ." with the step of "accepting from registered vendors not having all demanded capabilities a coalition of vendors which meet demanded capabilities, said coalition of vendors being formed through creation of sub-requests by dividing the request for proposal into a plurality of sub-requests to be responded to by other vendors . . .". This step clearly and accurately recites the very essence of the invention which is the dynamic formation of alliances between vendors with complementary capabilities to jointly pursue specific market opportunities. In addition, the step of "managing" has been deleted from claim 1. The lack of antecedent basis noted by the Examiner for "the request proposal tree" has been corrected, as has the lack of antecedent basis for "coalition alternatives at each level of level of the request for proposal tree". Corresponding amendments have been made to claim 4. As amended, it is believed that claims 1 and 4, and the claims dependent thereon, are clean and definite. Withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is therefore respectfully requested.

Claims 1 and 9 to 11 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. It is noted first of all that apparatus claims 4 and 6 to 8 are

not subject to this ground of rejection. It is therefore assumed that claims 4 and 6 to 8, as currently amended, are in condition for immediate allowance, an indication of which is respectfully requested. In response to the rejection of the method claims 1 and 9 to 11 as being directed to non-statutory subject matter, further amendments have been made to claim 1.

In making the rejection, the Examiner states that the “claims do not expressly or implicitly recite machine implementation.” Claim 1 has been amended to expressly recite a “computer implemented method” and adds the steps of “maintaining a database storing registered vendor capabilities” and “accessing said database . . .” Claim 1, as amended, expressly recites machine implementation and is thus clearly directed to statutory subject matter. Therefore, withdrawal of the rejection is respectfully requested.

It is believed that claims 1 and 9 to 11 are in condition for immediate allowance with claims 4 and 6 to 8. Moreover, claim 3 has been amended in light of the current rejections and is also believed to be in condition for allowance. It is requested that the election of species requirement be withdrawn and that claim 3 also be allowed with claims 1, 4 and 6 to 11.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1, 3, 4, and 6 to 11 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Lamont Whitham", written in a cursive style.

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